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EXAMINER

NAJJAR, S

ART UNIT	PAPER NUMBER
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2758

23

DATE MAILED: 09/28/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.

08/942,005

Applicant(s)

Charl et al.

Examiner

Saleh Najjar

Group Art Unit

2758

☒ Responsive to communication(s) filed on Feb 15, 2000

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-25 and 27-35 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-25 and 27-35 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7, 19, 20, 22

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152



— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

1. This action is responsive to the preliminary amendment filed on February 15, 2000. Claims 1-4, 7, 13, 22, 25, and 34 were amended. Claim 35 is newly added. Claims 1-25, and 27-35 are pending examination. Claims 1-25, and 27-34 represent an apparatus directed toward an alert configurator and manager.

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claims 1-25, and 27-35, are provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-38 of copending Application No. 08/943,356. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim 1, is similar to claim 1 of application No. 08/943,356.

Claim 13, is similar to claim 11 of application No. 08/943,356.

Claim 22, is similar to claim 20 of application No. 08/943,356.

Claim 25, is similar to claim 23 of application No. 08/943,356.

Claim 34, is similar to claim 20 of application No. 08/943,356.

Claim 35, is similar to claim 11 of application No. 08/943,356.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5, 7-11, 13-20, 22-29, and 34-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Dev et al., U.S. Patent No. 5,751,933.

Dev teaches the invention as claimed including a system for determining the status of entities in a computer network (see abstract).

As to claim 1, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer, the manager system comprising:

at least one processor, said processor configured to receive a plurality of unfiltered alerts from the agent computer, said alerts providing status information about different components in the agent computer (see figs. 1-4; col. 7, lines 25-30, Dev discloses receiving significant events from network devices at the virtual network machine):

an alert module (virtual machine alarm log) executing in said processor, said alert module configured to allow a user to selectively disable an automatic display of one or more alert notifications related to said alerts to the user at the manager system,

said alert module further configured to record said status information associated with said alerts in a storage medium (see col. 8-10, Dev discloses that the user may use a filtering criteria to disable the display of events such as unspecifying a model type event display).

As to claim 2, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer as in claim 1 above, wherein said alert module contains a plurality of variables, some of said variables indicating whether each of said alerts is disabled or enabled to be displayed to the user at the manager system (see col. 8, Dev discloses that a filtering criteria can be utilized by the user to adjust the threshold of the severity of the event condition so that the event is not displayed).

As to claim 3, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer as in claim 1 above, wherein said alert module records information about said disabled alerts in said storage medium in the manager system (see col. 8, Dev discloses that all events are logged).

As to claim 4, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer as in claim 1 above, further comprising a log module in the manager system, said log module configured to store information about said enabled and disabled alerts (see col. 8, Dev discloses that all events are logged).

As to claim 5, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer as in the claims above, wherein said log module stores a name of said component associated with one of said alerts (see col. 8, Dev discloses that alarms and their corresponding models identifying the network device are recorded in the database at the manager system virtual machine).

As to claim 7, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer as in claim 1 above, further comprising a user interface which allows a user to select one or more of said alerts for automatic display to the user by providing a description of said alerts (see fig. 10; col. 14-

15, Dev discloses a user graphical interface which allows a user to display different views showing status information).

As to claims 8-9, Bonnell teaches the claimed limitation wherein said user interface is configured to enable said selected alerts in response to an enable command, or disable said selected alerts in response to a disable command (see col. 8, Dev discloses that a user may specify different filtering techniques to specify minimum event severity for which events may be displayed).

As to claims 10-12, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer as in claim 1 above, wherein said alerts which were not selectively disabled for display by the user are displayed in an alert notification window to the user, that is configured to display the name of said component associated with one of said alerts, and is configured to display the recommended course of action (see figs. 9-10).

As to claim 13, a first computer comprising a plurality of components, said first computer configured to generate a event message regarding the status of at least one of said resources, said message comprising a first code which contains data about said resource, said first code having a first data length (see figs. 1-4; col. 7, lines 25-30, Dev discloses receiving significant events from network devices at the virtual network machine); and

a management software existing in a second computer, said management software configured to receive said notification unfiltered from said first computer, said management software further configured to transform said message into a user-friendly display message and automatically display the message, the message comprising a second data length, wherein said second data length is significantly greater than said first data length (col. 8-10, Dev discloses that the user may use a filtering criteria to disable the display of events such as unspecifying a model type event display).

As to claim 14, wherein said first computer and said second computer are

connected by a computer network (see figs. 1-3).

As per claim 15, wherein said computer network performs simple network management protocol SNMP transactions (see col. 4).

As per claims 16-19, wherein said first code contains an index; wherein said status module uses said index to identify said user-friendly display message; wherein said index is predefined by a management information base; wherein said management information associates information about said component with said index; wherein said status module uses said information about said component from said management information base to generate said user-friendly display message (see figs. 1-10; col. 4-6; Dev discloses that different network devices are represented by virtual software models at the management console and events received by the management console are correlated with the virtual model to display the notification and description of events regarding network devices).

Claim 20, wherein said management information base associates information about said component with said index (see fig. 10).

Claims 22-29, and 34-35 do not teach or define any new limitations above claims 1-5, 7-11, 13-20 and therefore are rejected for similar reasons

6. Claims 6, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev et al., U.S. Patent No. 5,751,933 in view of Bonnell et al., U.S. Patent No. 5,655,081.

As to claims 6, 12 and 21, Dev does not explicitly teach the claimed limitation of storing at a user computer a recommended course of action associated with one of said alerts, and displaying a recommended course of action associated with said alerts to the user.

However, Boennell teaches a system for monitoring a computer network (see fig. 13; col. 2, and 9, Bonnell discloses a set event manager 52 and event cache 212 responsible for keeping records of various occurrences throughout the computer

network, such as occurrence of alarm conditions and their resolution).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dev by storing at the user computer recommended resolution of alarm conditions so that alarm conditions are resolved immediately. One would be motivated to do so to allow for management convenience.

7. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Giorgio, U.S. Patent No. 5,761,085.

As to claims 30-33, Dev does not explicitly teach the claimed limitation wherein one of said alerts relates to the status of a fan, a temperature sensor, a power supply, or a fault isolation unit. However, Giorgio teaches a method for monitoring various parameters such as a fan, a temperature sensor, a power supply, or a fault isolation unit for equipment at network sites (see figs. 1-2; col. 4-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dev in view of Giorgio so that various parameters such as a fan, a temperature sensor, a power supply, or a fault isolation unit are monitored. One would be motivated to do so to optimize the working parameters of a network node.

8. Applicant's arguments filed February 15, 2000 have been fully considered but they are moot in view of the new grounds of rejection made in this office action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Security system and method for computers connected to a network by Kayashima et al., U.S. Patent No. 5,919,258.
- Method and system for managing alerts and events in a networked computer



system by Cook, U.S. Patent No. 5,621,892.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Saleh Najjar  
Examiner Art Unit 2758